

1905-053

Chancery Causes: Malvina Walden vs. James V. Walden

Lee Co.

Glass, Evans, Davis, Waller, Pridemore, Owens

Ch. Divorce

T. Vices

To the Honorable H.A.W.Skeen, Judge of the Circuit Court of Lee County, Virginia:

Humbly complaining, your oratrix, Malvina Walden, would respectfully show unto your Honor that on the 4th day of June 1874 in Scott County, Virginia, she was married to one James V. Walden; that she lived and cohabited with her said husband in the relation of wife until in the month of August, or September, 1903; that there ~~were~~ *more* born to them during the period of their cohabitation thirteen children, their names and ages being as follows, viz: Henry M. 25 years old; William J. who is dead; Jala S. 21 years old; Warren B. 18 years old; Charles A. who is dead; Mollie 12 years old; Cora E. 10 years old; Bessie and Dock, twins 6 years old, Dock being dead; Parolee and James C., twins 3 years old, James C. being dead; and two other children who died in infancy and unnamed.

Your oratrix will now show your Honor that she has been a true and obedient wife to her said husband; that she lived with him and labored and toiled to the full extent of her strength, and often to the great detriment of her health, in aiding him to support their large family, in purchasing and paying for a farm, and in building and furnishing a home and in making it attractive and comfortable.

Your oratrix will further show your Honor that during the first years of their married life she and her said husband lived happily together, having no differences of a serious nature, but during the latter years of their living together, her said husband has become cruelly abusive and violent, threatening the life of your oratrix, beating her with his fist, several times knocking her down, kicking her, tearing and burning up her clothing and cutting up her shoes that she had purchased with her own means. A number of times he made murderous attacks on her, when she was protected by her sons. At one time she sought the protection of the law by swearing out a warrant for him when he had cruelly assaulted her and knocked her down and kicked her and otherwise roughly handled her, but at his urgent request, and promise of better treatment, she dismissed said warrant. During the latter part of the time that her said husband was thus cruelly mistreating and abusing her, he began to charge your oratrix with being unfaithful and untrue to him and of indulging



in improper conduct with other men, which charges were without foundation in truth and were and are wholly false, and your oratrix promptly denied said charges so unjustly made against her, and offered to her said husband that she would go before a justice of the peace and make oath that she had never been guilty of any unfaithfulness to him or of improper conduct with other men, hoping that this would satisfy him of her innocence, but he refused to agree to her doing so. After her said husband had, to her great grief and mortification, made these unjust charges against your oratrix, he continued to live with her for some four or five years, during which time she bore to him their last twin children, but during all of this time he kept up his cruel treatment both by way of cruel and abusive language, threats to take her life and assaults upon her person, until finally, and while they were still living together, as husband and wife, in May 1903, he instituted in the Circuit Court of Lee County Virginia a suit in chancery against your oratrix for absolute divorce, charging her with adultery. Your oratrix answered the said bill denying said charges, stating the true facts of the case, and stating that she was anxious to live with her said husband for the purpose of raising their children in comfort and respectability, provided she could do so in security of life and limb, and upon a final hearing of the cause, the bill of the plaintiff, the said James V. Walden, was dismissed.

Your oratrix will now further show your Honor that during the pendency of the suit aforesaid, to-wit, in the month of August or September, 1903, her said husband became so violent and abusive to her, commanding her to leave his home, threatening to take her life, saying that if she did not leave he would make it hotter than h\_\_\_ for her, until finally your oratrix was compelled to leave her home and throw herself upon the charity of her friends, since which time her said husband has absolutely refused to allow her to live with him as a wife or to furnish her with any clothing or food, or with money to purchase the same, and she has been compelled in her old age, to hire out for wages and do the work of a servant in order to support and maintain herself. Shince your oratrix was compelled to leave her said home, she has been informed of numerous threats which he has made against her life, by means of which she



was afraid to attend the taking of deposition in the suit above mentioned, and your oratrix has been further informed that just before or about the time he drove her from home he had gone to other parties and endeavored to get them to employ your oratrix at some kind of work so that he could in that way get her away from home. Complainant will now further show your honor that she has been further reliably informed and here charges that lately and since the dismissal of the suit aforesaid, her said husband has attempted to employ and offered to pay a large sum of money to one \_\_\_\_\_ if he would visit your oratrix and try to induce her to commit adultery with him, or to place himself in such positions in the presence of others as to make it appear that your oratrix was having improper relations with said \_\_\_\_\_, for the purpose of using said circumstances or occurrences as evidence in another suit for divorce to prove a charge of adultery against your oratrix, but the said \_\_\_\_\_ refused to accept said employment or said money from said Walden, or to attempt to carry out his wishes.

Your oratrix will now show your Honor that at the time of their said marriage, she and her said husband were both very poor, having practically no property, but by their joint efforts, labor and toil, during the thirty years of their married life, they succeeded in accumulating property, which is sufficient to afford them both together with their family a comfortable home and sufficient maintenance. This property consists of a farm on Blackwater in Lee County, Virginia, on which the said James V. Walden now resides, containing about 160 acres, which is worth about \$1200.00 to \$1500.00; some cattle, horses, hogs, household and kitchen furniture, farming implements, carpenter's tools, considerable lumber and other personal property, worth from \$500.00 to \$800.00; and besides he is a strong, able bodied and intelligent man, capable of doing much work and earning a large salary or wages, and does earn and make considerable money at the carpenter's trade and in other ways. All of the above named property, which is the ~~joint~~ product of the joint labor and effort of your oratrix and her said husband, is in the name of her said husband and is now in his full possession and enjoyment.



Your oratrix is advised that it is the legal and moral duty of her said husband to provide for her and maintain her in and manner suitable to her station in life, and this he has wholly neglected and refused to do; and your oratrix further alleges that, being entirely without property or means of any kind, she is unable to employ and pay counsel to bring and prosecute this suit, or to pay the costs and expenses of said suit, and she alleges that she should have at least the sum of \$150.00 for this purpose.

Your oratrix will now further show your Honor that both she and the said James V. Walden are now, and have been for more than one year prior to the institution of this suit, domiciled in and residents of Lee County Virginia, and that they last cohabited together in said County and State.

The prayer, therefore of your oratrix is that the said James V. Walden be made a party defendant to this bill, that he be required to answer the same, but not under oath, as an answer under oath is hereby expressly waived; that he at once, and pending this suit, be compelled to pay, as temporary alimony to your oratrix, at least the sum of \$150.00 for the payment of attorneys fees and the costs and expenses of this suit, and for this purpose she asks that the same be paid over to her attorneys C.T. Duncan and Geo. P. Cridlin; that upon a final hearing she be granted a divorce from the said James V. Walden, a mensa et toro; and that he may be compelled to make such permanent provision for the support of your oratrix, and to secure the regular, prompt and safe payment of the same, as may to the court appear to be proper; and that all such other, further and general relief be afforded your oratrix as may be just and right in the premises.

And she will ever pray &c.

C. T. Duncan )  
Geo. P. Cridlin ) :- p. q.



Malvina Walden

vs. { In Chy. Bill

James V. Walden

Filed Apr. 18<sup>th</sup>, 1905-

J. C. Ewing Clk.

1905-1<sup>st</sup> <sup>May</sup> Rules

Bill filed Sp. A.  
executed and Ans.

of Dept. filed

"

2<sup>nd</sup> May Rules

Cause set for  
hearing. by Ref.

1900 to 10

10-



To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia:

The demurrer and answer of James V. Walden to a bill filed against him in this honorable court by Malvina Walden?

Respondent is advised that said bill is not sufficient in law to call upon him to answer and he demurs thereto, and prays judgment of his said demurrer. And not waiving said demurrer, but relying and insisting thereon, for answer to said bill, or so much thereof as he is advised it is material to answer, answering he says:

That it is true that he and the said Malvina were married to each other on the 4th day of June, 1874 in Scott County, Virginia, but it is not true that they lived and cohabited together as husband and wife until in August or September, 1903, but on the contrary his said wife abandoned their home in April, 1903. And it is *not* true that he and his said wife lived happily together during the first years of their married life, and had no serious differences, but on the contrary, when they had been married only some two years his suspicions became aroused that his said wife had become unfaithful to him, which suspicions he believed then, and believes now, were well founded, although her conduct then was forgiven by him, and suffered to pass after they had been separated for nearly two years, after which separation they came together and so lived and cohabited until April, 1903. It is true that thirteen children were born to his said wife after their marriage, and their names and ages are correctly given in her bill, but it is not true that he is the father of all of said children, the two named Bessie and Dock, were not, in your respondent's opinion, his children, but for fear he might be mistaken as to this, and after strong denials of any misconduct upon her part, he after the birth of these two twin children, did live and cohabit with his said wife until about a year or more before he instituted a suit in your honor's court for divorce from her, which suit or bill was filed at 1st, May Rules, 1903, and which action was taken on account of his becoming convinced that his said wife was untrue to him and had been guilty of adultery.



(2)

It is not true that plaintiff has been to respondent a true and obedient wife, and that she has labored and toiled to the full extent of her strength and ~~often~~ to the great detriment of her health in aiding him to support their large family, and in purchasing and paying for a farm, and in building and furnishing a home, and in making it attractive and comfortable, but upon the contrary she has been negligent of her household duties, and of the children at home, running and gading about in the neighborhood and country, neglecting the duties of a wife at home, and she was extravagant and wasteful of respondent's means, which he had earned and acquired by hard labor as a carpenter and otherwise, being a very poor man at the time of their marriage, while his said wife, at that time, had in a manner nothing.

It is not true that, during the latter years of their living together, he became cruelly abusive and violent and threatened her life, and beat her with his fist, several times knocking her down, kicking her, tearing and burning up her clothing, and cutting up her shoes that she had purchased with her own means, or that he ever made murderous attacks on her. Upon the contrary his said wife was, during the entire time of their living together, high tempered, disagreeable, and abusive toward him, often striking him and threatening his life even threatening to cut his throat at some time when he was asleep, and he verily believed intended to do so, and he is satisfied that she tried to have him killed by another person.

And your respondent alleges that she truck him and threatened his life a dozen times or more before he ever returned the blow by striking her, he admits however, that after these repeated attacks of violence, and the most abusive language a woman could utter, he on one or more occasions, being overcome with passion, did resent her assaults and abusive language, by striking and slapping her, but your respondent alleges that a saint, in his opinion, could not have done otherwise. It is true that he, at one time cut the toes off a pair of toothpick shoes, that he was satisfied one John Levasy



had given her, and whith whom he alleges she had been guilty of adultery.

It is true that she took out a warrant of some kind, at one time, against respondent, but it is not true that same was dismissed at his request and under his promise of better treatment. He attendend before the Justice on the day summoned, and insisted that he was ready to answer the charge against him, and urged a trial, but she dismis-sed the warrant, of her own free will and accord, so far as he was concerned.

It is true that respondent charged his wife with unfaithfullness and improper conduct with other men, some time before he instituted his said suit, in April., 1903, for divorce, and he here alleges that said charges were true, and this honorable court was of that opinion, when it dismissed the bill without relief to either party, and refused to give the defendant any sum for future support and maintenance which was asked for in her answer in said cause, and your respondent here alleges ~~that he is advised~~ <sup>and</sup> that this suit has been prematurely <sup>and</sup> improperly brought and should be dismissed, because the identical relief here sought was asked in said former suit, and refused, and no new grounds for ~~such~~ relief are alleged in plaintiff's bill, and the mater of relief here asked for, was adjudicated in the other cause, and the plaintiff is barred from maintaining thissuit, and he asks that plaintiff's bill be dismissed. In support of this position he here refers to the papers of the said suit of April, 1903, remaining on file in the clerk's office of this Court, and makes the same a part hereof, and asks that they be read and considered as evidence in support of this position, and for the general purposes of this suit, so far as they are applicable, the parties to the said two suits being the same persons.

It is not true that during the pendency of the other suit he became violent and abusive to her, and commanded her to leave his home and threatened to take her life and to make it hot for her until she was compelled to leave her home &c. It is true that after



(4)

said suit was brought, she lurked around respondent's home for some time, very much to his annoyance, until on the 4th day of September, 1903, she left, and on the 8th day of September, 1903, respondent's barn was burned, at which burning, when she heard of it, she rejoiced, and only regretted that he was not in the middle of it during the conflagration, and since this departure she has never returned to his knowledge.

It is not true that she was afraid to attend the taking of the depositions in the other suit, or at least there was no ground for such fear, and it is a fact that she was present one day at the taking, and could have been present on every occasion if she had so desired, and your respondent has no doubt her absence was caused by her aversion to facing the facts of her misconduct that might be brought out by the witnesses, and he denies ever having tried to get any one to employ her so as to get her away from home. It is not true that he at any time attempted to employ one

\_\_\_\_\_ to visit her, and induce her to commit adultery or engage in adulterous conduct for the purpose of using it against her in another suit. It is true, however, that he being of opinion that she was that kind of a woman, talked to different men, who he thought might know something of her misconduct, and tried to learn what they knew, and requested some to let him know the facts, if they learned of such misconduct, and this he is advised he had a perfect right to do.

It is true as above stated, that at the time they were married they were both poor, and that he had worked hard and tried to economise, while she has been wasteful and extravagant, and your respondent has only accumulated a small tract of land not more than 100 acres, worth from \$400.00 to \$500.00, only, and his entire personal property is not worth over \$200.00. His carpenter's tools were burned with his barn, and he has gathered only a few tools since. He is indebted to the amount of about \$175.00, about enough to



cover his entire personal property, which would leave his land and lumber worth say \$550.00, and he is not physically able to do good work like he once could, and is fifty-two years old, and with six of the children at home, four girls and two boys, he has a hard time of it to live, and he denies that he is legally or morally bound to provide for and maintain her in any manner, after her misconduct and bad treatment of him, and he denies that she is entitled to suit money from him to prosecute this unjust suit against him, \$550.00 suit money having been allowed her in the other suit to defend and litigate the identical questions here involved, and he denies that she is entitled to have any amount decreed against him for future support and maintainance.

If mistaken as to his right to have this suit dismissed, your respondent will now further represent and show unto your honor that he is a resident of Lee County, Virginia, and has been for twenty-five years, that his said wife has not only been disagreeable, ~~and~~ quarrelsome, and abusive, while they lived together, to an extreme unbearable, but she has been guilty of acts of adultery with one John Levesy and others on divers occasions, and at different places in said County, on Blackwater, in the neighborhood where she resided, the exact dates and places your respondent can not now give, before and since November 6th, 1903, <sup>the</sup> date of the termination of the other suit, <sup>and</sup> all within five years of this date, which acts of adultery were without his procurement or connivance, and he has not cohabited with her since his knowledge of said acts, and your respondent here asks, that this his answer be treated, if necessary, as a cross bill, and that she be required to answer the same, but not on oath, that being waived, that the depositions taken in the other cause be read as evidence in this cause, and that <sup>said</sup> upon a hearing he be granted a divorce absolutely from his wife, and that all such other further and general relief be extended him as may be consistent with equity and suitable to his cause. And he will ever pray &c.

*Orville H. Hail, Jr.*



James V Walden.

also { Ans

Mariina Walden.

Filed May 1st 1905-

H. C. Ewing, Clerk.

Plffs

Worke:

Clerk \$3.60

Shff .50

atly 15.00

Total 15.00 pd.

Total \$20.60

Defts - Costs:

Clerk .80 pd.

Shff. 1.60

Com. 1.50

Witz - 3.08

\$6.98



Malinda Walden Plaintiff  
against  
James D Walden. Defendant } In chancery

This cause came on to be heard upon the bill of the plaintiff and the cross bill of the defendant, and the depositions of witnesses and was argued by Counsel. On consideration thereof, it is adjudged, ordered and decreed that the bonds of matrimony existing between the said James D Walden and Malinda Walden be and they are hereby dissolved and the parties ~~are~~ absolutely divorced from each other; and that the defendant pay to the plaintiff, as her attorney's fees, the sum of \$75.00 as suit money, <sup>that each party pay their own costs.</sup> and nothing further remaining to be done in this cause the same is stricken from the docket.



Malinda Walden  
vs { Decree Final  
James D. Walden

Entered in C.O.B.  
No- 8-6-21-

Enter this decree.

+ saw them  
May 16<sup>th</sup> 1905



(1)

The depositions of J.L.B.Glass and others, taken before me A. M. Goins,, a commissioner in chancery for the circuit court of Lee county, Virginia, on the 9th day of May, 1905, at the office of J.W.Orr, in the town of Jonesville, Va., pursuant to notice hereto attached, which depositions are intended to be read as evidence in behalf of the defendant in a certain suit in chancery now depending in the circuit court of Lee County, Va. wherein Malvina Walden is plaintiff and James V. Walden is defendant.

Present J.W.Orr, attorney for defendant, and Geo.P.Cridlin of counsel or Malvina Walden.

J.L.B.Glass, a witness of lawful age being first duly sworn deposes as follows:

Q.1.-- Please state your age, place of residence and occupation.

A.-- I am 47 years old, live on Blackwater, Lee County, Va., and am a farmer.

Q.2.-- Are you acquainted with the parties to this suit and if so how long have you known them?

A.-- I am and have known them about 16 years and have lived during that time within about 3/4 of a mile of them.

Q.3.-- Did you ever hear Malvina Walden make any threats against her husband, if so give the time and place and what she said?

A.-- I did. One time at my house about five or six years ago she said something about swearing herself clear of some charges he had made against her, but she didn't know whether he would believe it or not, but if that did not satisfy him she could satisfy him and that she would cut his throat some night when he was napping. I have heard her talk badly about him and bemean him on various occasions, saying he ought to have his old head bursted and such things, and called him an old devil.

Q.4.-- Please state whether or not Mrs. Walden was in the habit of staying about home, and attending to her domestic affairs and looking after the children, or was she in the habit of running about over the neighborhood and country, or how was this?

A.-- As to her staying at home and attending to her domestic *affairs.*



(2)

I don't think she did very well. I have been there and things did not look very well kept. I have been there since and things are kept in about as good shape, or better than when she was there, and there are nothing but children there now. I thought that she ran about a good deal ~~thaxxas~~ more than was necessary.

Q.1.-- Please state anything you may know in regard to her familiarity or talking with other men along the public highway and other places?

A.-- She seemed to be very familiar with men along the road and at stores and other places. She seemed to be rather forward in her conversation. I have heard her pass some jokes that I understood to have improper meaning.

Q.6.-- Do you know of any adulterous conduct out of her, or have you ever seen anything indicating that she was guilty of anything of that kind?

A.-- I can't say that I have. I have seen some familiarity I saw John Levisay one day, while they were coming from church, take a handkerchief out of her pocket, he smiled and she smiled, and he passed on.

Q.7.-- Do you know what Mrs. Walden's general reputation in the neighborhood, is for virtue and chastity, if so please state what it is?

A.-- I think I do, and I consider it not very good.

Q.8.-- Were you present on the day that the warrant that she had sued out against her husband, was to be tried, and if so please state briefly what occurred in reference thereto.

A.-- I was present, was summoned there as a witness for her. I went there with Mr. Walden, and he seemed anxious for trial, and after some little time, she directed the justice to dismiss the warrant, stating that she did not want to go into trial and wanted to withdraw the warrant, and the warrant was dismissed at her request. And further this deponent saith not.

J. L. B. Glass

*Witness claims attendance  
50 cts.*



(3)

Reed Evans, another witness of lawful age being duly sworn deposes as follows:

Q. 1.-- Please state your age residence and occupation, and are you acquainted with the parties to this suit and if so how long have you known them?

A.-- I am 54 years old, reside on Blackwater and am a farmer. I do know the parties to the suit, have known them about 20 years.

Q.2.-- State whether or not you ever heard Malvina Walden use any indecent or unbecoming language, or engage in any unbecoming conduct in the presence of men, if so state when and where and what it was.

A.-- I have heard her use some bad language at my house . One night some eight or nine years ago she came there after dark and we were eating supper and my wife fixed supper for her. When bed time came there was a cousin of mine, a young man, staying there that night. My wife wanted our little boy to sleep Mrs.Walden, and he refused, and Mrs.Walden told him to come on, she had plenty of it and Jim would never miss it? and kind of laughed, and said something else i don't know what. This was said in the presence of myself, my cousin and my family. I have noticed that she seemed to be very friendly with all the men she met.

Q.3.-- Please state what has been James V.Walden's habits of industry and economy, and what has been hers.

A.-- He seemed like he was always trying to make something, he worked and was trying to make a living, while his wife was running about most all the time. It seemed to me that she was away from home about as much as she was at home. She seemed to be running around over the country unnecessarily.

Q.4.-- What is her general reputation for virtue and chastity in the neighborhood, if you know?

A.-- From the opinion of everybody she seems to be very bad, and she seems to be vulgar in her talk and conversation.

And further this deponent saith not.

*Reed Evans*

*Witness claims attendance*

*50 cts.*



A.R.Davis, another witness of lawful age being first duly sworn deposes as follows:

Q.1.-- Please state your age, residence and occupation?

A. -- I am 27 years, live on Blackwater, am a farmer.

Q.1.-- Are you acquainted with the parties to this suit, if so how long have you known them?

A.-- I am acquainted with said parties, have known them about 10 years.

Q.1.-- Have you ever heard Malvina Walden use any vulgar or indecent language, and if so when and where and state what she said.

A.-- I have more than once heard her use right smart of indecent language. I lived at the S.S.Surgener place <sup>in this county</sup> some five or six months last Summer, and she lived there during the time. She would blackguard and use vulgar language about most anything she would talk about, and she would use this language in the presence of men, or just anybody. She would often talk about sexual intercourse between men and women. In fact I have heard her use most every kind of vulgar language that one could think of, talking about men's and women's private parts and about intercourse, and she would tease me about my going to see another woman over there. Her vulgarity was almost an every day business, so that I can not remember all she did say. We slept in adjoining rooms with just a door between us and it was generally open. I generally always staid in her room until ten or eleven o'clock at night.

~~Q.4.--~~  
Q.4.-- State whether or not you have any knowledge of any ~~sexual~~ sexual intercourse, with any person other than her husband.

A.-- I do not .

Q.-- State whether or not, she ever held out any inducements to you to have such intercourse with her?

A.-- I thought she did. I never had much stronger invitations than she gave me.

Q.-- Were you ever with her on her bed in her room, or with her on your bed in your room.

A.-- I have never been on the bed with her. I have though been in her room and stood by the bed and talked to her while she was in



(57)

the bed.

Q.-- Did she ever make any remarks to you or in your hearing in regard to your private parts?

A.-- She did say something about it in my presence to another boy, about it being a good one, or something like that.

Q.-- Did she ever say anything to you about learning you how to get twins?

and I

A.-- Loyd Pridemore were in her room one night talking and blackguarding, there was something said about her and Jim having so many twins, I said I wished she would learn me how to fix them up, and she said she would learn me or something of that sort, but she was afraid I might tell it.

Q.-- Please state what other men you have heard her use vulgar language in conversation with or in the presence of?

A.-- A.R.Surgener, Loyd Pridemore, Henry Surgener, A.R.Surgener's son, and others, I can not remember. There was nearly always some body there.

And further this deponent saith not.

*Witness claims soets*

A. B. Davis.

The further taking of these depositions is adjourned till May 11th, 1905, at the same place/

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Met pursuant to adjournment.

Perry Wallen, another witness of lawful age being duly sworn deposes as follows:

Q.1.-- Please state your age, residence and occupation.

A.-- I am 25 years old, live on Blackwater, in Lee County, Va. and am a farmer.

Q.1.-- Are you acquainted with the parties to this suit, and if so how long have you known them?

A.-- I am acquainted with them and have known them some 8 or 10 years. Have during that time lived near James V. Wallen, ~~about~~

Q.2.-- Have you observed the treatment of Malvina Walden to-



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to see the children.

Q.8.-- Where does James V.Walden and his wife reside?

A.-- They live in this County and have ever since I have known them.

Q.9.-- Was her conduct by James V.Walden's procurment or connivance or against his will.

A.-- I think it did not suit him at all., and I consider him a hard-working industrious man, and has a hard time taking care of himself and children.

And further this deponent saith not.

*Witness claims one day, 5-0 cts*

*Perry <sup>his</sup> Walden*  
*Mark*

Loyd Pridemore a witness of lawful age being first duly sworn deposes and says:

Q I.State you age, residence and occupation.

A.1. I am ~~22~~ 23 years old, live on Blackwater in a mile and a half of the S.S.Surgner place, and am a farmer~~f~~, and am a single man.

Q. 2. How long have you known ~~James~~ <sup>W</sup> Walden and his wife?

A. 2. I have known Jim some fifteen years and his wife six or eight years.

Q.3. State any thing you may know in regard to Melvina Walden using vulgar or unbecoming language or conduct, and when and where it was and what it was she said.

A.3. During last spring or summer, while she was staying at S.S. Surgners, <sup>I was there frequently</sup> and stayed all night, and during that time I have heard her use vulgar language and engage in vulgar talk with ~~and~~ A.R.Davis, A.R.Surgner, Henry Surgner and myself. I have heard her use some such language at the table while we were eating. A.R.Davis and myself slept in a room adjoining the one in which she slept, with a door leading from the one to the other. We frequently stayed in her room at night until bed time and often engaged in vulgar conversation, which she seemed to enjoy and liked to engage in. And while



(7)

wards James V. Walden, her husband, and if so was it kind or otherwise?

A.-- I tink she was ill-tempered, and I have heard her talk about him in and ill unbecoming way.

Q.3.-- Did she seem to stay at home or was she running about a good deal in the neighborhood?

A.-- I was not at there house much and paid very little attention to that.

Q.4.-- Did you ever hear Mrs.Walden engage in any vulgar or unbecoming language?

A.-- I have hear her talk a little that way. She has talked that way to me, and I have heard her talk to others in almost every way. she would talk about anything that I ever heard talked of.

Q.5.-- Do you know of her having sextual intercourse with any person other than her husband?

A.-- I do not. I made a proposition of that kind to her once myself, and she did not object to it, but I did not press the matter and the place where we were at was not favorable to such conduct and no time nor place was fixed, and nothing was done. On that occasion she laughed and talked about it, and her action and conduct impressed me that it was all right, or would be agreeable to her. I said to her that if I was her I would not do without it, and she answered that if she did do anything of that kind Jim would never know anything about it.

Q.6.-- What is Malvina Walden's reputation in the neighborhood in which she lives for chastity and virtue, if you know that reputation?

A.-- I think her reputation is bad. Most of the people in that neighborhood believe he to be a woman of bad character in that respect.

Q.7.-- Has James V/Walden and his wife lived and cohabited together as husband and wife since April, 1903?

A.--I do not think they have/ I think she has been staying somewhere else, except when she went to Jim's a time or two



(2.)  
I do not know of my own knowlege of her being guilty of adultery,  
she made the impression on my mind that she was that kind of a  
woman. I do not think that her conduct was by the consent or  
approval of her husband ~~of her husband~~, James V. Walden. I regard  
Mr. Walden as an honest man, and I suppose he is industrious, though  
I was never about him a great deal. He has lived where he now re-  
sides, in this county, ever since I have known him.

And further this deponent saith not.

Witness claim one day 50 cts.

... Lloyd Pridemore



Met pursuant to adjournment May 13th? 1905.

Floyd Owens, a witness of lawful age being first duly sworn deposes as follows:

Q/1.-- State your age, residence and occupation.

A.--I am 39 years old, live on Blackwater, and am a farmer.

Q.2.-- Are you acquainted with the parties to this suit, if so how long have you known them?

A.-- I am and have known them for about 15 years.

Q.3.-- Are you the same Floyd Owens that gave a deposition in the suit heretofore brought in the Circuit Court of this county by James V. Walden against Malvina Walden?

A.-- I am.

Q.4.-- Did you ever see any improper conduct by Mrs. Walden with any man and if so please state what it was and where and when?

A.-- I saw some conduct that I thought was improper. I was hunting near Jim Wallen's field, I heard a noise behind me, and looked but saw no one. Presently I saw some one coming out of a corn field near Mr. Walden's house, and it was Mrs. Walden. She passed near me and went down into a hollow into a low place, and I saw her and a man standing there. I took the man to be John Livesay. All at once they disappeared from sight in the low place, and sometime afterwards she came back and passed on by me, got her a load of wood and went on towards the house. Before they disappeared from my sight as stated above, I saw the man with his hand on her shoulder. This was in August, 1901. About two months after I saw the above occurrence I saw her and John Livesay standing in an old path in the woods which leads from Mr. Walden's to Caleb Herd's house, and about 500 yards from Walden's house. I did not see any other people in sight of them. They were just standing there talking to each other and I spoke to Livesay and went on leaving them standing there. I informed Mr. Walden of the things that I have told about above about the 1st of June, 1903. The path above spoken of above where said parties were talking was not used or traveled as a pass way, but was an old haul way.

Q.5.-- State whether you ever heard the said John Livesay say anything about getting any things for Mrs. Walden?



A.-- Between the times of the two above mentioned occurrences, he was talking to me about Mr.Walden and said Mr.Walden need not to have flew mad about something he had said. he said he had bought some things for her and would buy her some more. We had been talking about Jim Walden and his wife.

Q. 6.-- Have you seen any improper conduct by Mrs.Walden or heard any improper or vulgar conversation by her since the above occurrences, and if so when and where and what was it?

A.-- I can't say that I have seen anything, but have heard her have some very vulgar talk. On one occasion at A.R.Surgener's which is the old S.S.Surgener place, Noll Davis, and Lydia Goins, a woman of bad character got into a vulgar conversation, and after some little time Mrs. Walden put in and took part in the talk, and they all used the most vulgar talk that could be handled. Finally Noll Davis asked Mrs.Walden if she liked it, meaning as I understood them from the conversation sexual intercourse, she replied that she did. He then said that if any man liked better than he did he would have to eat it. She replied to this that he couldn't eat it, that it was too tough, but he could eat out of it. Lydia Goins seemed to become disgusted and left the room, while David and Mrs.Goins talked on a while. A short time after this I was at A.R.Surgener's and ate supper there, A.R.Surgener had left the table, Mrs.Walden was waiting on the table, and I and two girls or young women, were eating at the table, when Loyd Pridemore and a young man by the name of Courtney came in and came to the table. Mrs.Walden asked Pridemore where he had been, as they were so late coming to supper, and he replied that he had been out getting him some, she asked why he went so far, why he didn't get it closer home, and they had some other vulgar talk. Finally she passed Pridemore something, and Pridemore told her to let Courtney have some. she said no she would not let him have any that it would make him sick, or he would faint, and used very vulgar talk on. While they were talking about the vituals being passed it was very plain what they had reference to.

All this misconduct on her part were against the will of Mr.walden, so far as I have been able to observe.



Q.7.-- Do you know of any acts of adultery by Mrs. Walden, if so state them.

A.-- I Know nothing but what I have spoken of above. She has always impressed me as being that kind of woman. I don't think any woman could indulge in the conversation that she does and be virtuous.

Q.8.-- What is her reputaion in the neighborhood in which she lives, if you know it, with reference to chastity and virtue?

A.-- She bear the reputation of being a woman of bad character for chastity.

And further this deponent saith not.

*Witness claims .58 cts.*

L. J. Owens  
*mark*

VIRGINIA, LEE COUNTY, to-wit:

I, A.M. Goins, commissioner in chancery of the Circuit court for Lee county, Virginia, do certify that the foregoing depositions were duly taken under oath and subscribed before me at the times and place as above set out. Given under my hand, this May 13th, 1905.

A. M. Goins

Commissioner in Chancery.

Fee for taking these depositions \$1.50.



James V Walden.  
advs Depot to be read  
3 on Crass Bill.

Malvina Walden.

Filed May 13<sup>th</sup> 1905.

H. L. Curing.  
Clerk.

Court's fee \$1.50  
Witnesses



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU THAT YOU SUMMON *Henry Surzner and*  
*Floyd Owens + Perry Wallen.*

*A. M. Gomis* ~~Clerk~~ *in Chancery*  
to appear before ~~the Judge~~ of our Circuit Court of the County of Lee, at ~~the court house~~ *his office in*  
*Jonesville, Va.* thereof, on the *11<sup>th</sup>* day of *May* 190*5*, to testify and the truth to say  
in behalf of the *J. V. Wallen*, in a certain matter of controversy in our said court  
before the said Judge depending and undetermined between *Malvin A. Wallen*  
\_\_\_\_\_  
Plaintiff, and

*J. V. Wallen* Defendant . And this *they*

shall in no wise omit, under the penalty of ~~\$100.~~ *\$20.* And have then there this writ.

Witness, *A. M. Gomis* ~~Clerk~~ *in Chancery*  
*A. B. Munsey*, Clerk of our said court, at ~~the court house~~ *his office in Jonesville* the *9<sup>th</sup>* day of  
*May* 190*5*, and in the 12 *9* year of the Commonwealth.

*A. M. Gomis*  
*Clerk, in Chancery*



*Malvina Wallen*

vs.

SUBPOENA  
FOR  
WITNESS.

*J. V. Wallen*

*Court,*

the *11* day of *May*

*1905-*

*Executed in full May*  
*10<sup>th</sup> 1905. W. A. Amundson*  
*For P. M. Ball, S. C.*



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you attach R. R. Surges and Laydon  
Pridemore

so that you have their bodies before the judge of our A. M. Gains Cour. in Chancery  
his office in the town of Jonesville, Va. Circuit court for the County of  
Lee at the court-house thereof, on the 11<sup>th</sup> day of May 1905,

to answer, as well, of a certain contempt by him to us offered in failing to attend before the the said court at Cour.  
on the 9<sup>th</sup> day of May Term, 1905, as witness on behalf of J. V. Hallen

Malvina Hallen in a certain suit therein depending between the said  
Malvina Hallen Plaintiff,

and J. V. Hallen Defendant,

as upon those things, which to him shall be then and there objected; and further to do and receive  
what our Cour said court shall in that part consider. And have then there this writ.

WITNESS, A. M. Gains Cour. in Chy of  
Clerk of our said Court, this 9<sup>th</sup> day  
of May 1905, and in the 129 year of the Commonwealth.

A. M. Gains,  
Cour in Chy.



*Matvina Hallen*

vs.

} Attachment for Contempt  
in Failing to  
Appear as a Witness.

*J V Hallen*

To *May 11<sup>th</sup> 1905* ~~Term~~

*Court.*

*Executed in full May  
11<sup>th</sup> 1905 W A Owens D.S.  
For P.M. Ball S. L. C*



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

*James Malden*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the *1st* Monday in *May*, 190*5*, to answer a bill in chancery exhibited against *him* in our said Court by *Malvina Malden*

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *8<sup>th</sup>* day of *April*, 190*5*, and 1*st* *29<sup>th</sup>* year of the Commonwealth.

A Copy, Teste:

*H. C. T. Ewing*, Clerk.

*H. C. T. Ewing*, Clerk.



Malvina Halden

VS

SUBPOENA  
IN  
CHANCERY.

James V. Walden

Duncan C. Alden p. q

To First Mon. May Rules.

Lee Circuit Court.

Executed by delivering  
a copy of the within  
summons to James V. Walden  
April 20, 1905.

W. A. Owens D.S.  
For P. M. Ball & Co.